



March 7, 2002

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Julio A. Chanying
J.C. Relocation System, Inc.
15550 S.W. 157th Street
Miami, FL 33187

RE: REQUEST FOR ADVISORY OPINION RQO 02-05

Dear Mr. Chanying:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding certification as a Disadvantaged Business Enterprise (DBE).

In your letter, you advised the Commission that you own a moving company, J.C. Relocation System, with your father. You are vice-president of the company but you draw no salary and do not participate in the day-to-day operation of the company. J.C. Relocation System has applied for certification as a Disadvantaged Business Enterprise (DBE). J.C. Relocation System is also seeking to do business with the county.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits J.C. Relocation System to become certified and do business with the county. However, J.C. Relocation System may not contract with the Transit Department.

Section 2-11.1(c) provides that "Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall

not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration." Therefore, J.C. Relocation may become certified and do business with the county as long as the company does not contract with the Transit Department.

Finally, pursuant to Section 2-11.1(k), you must report any outside employment and file the required forms with the Department of Elections.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS
Executive Director